

SUMMARY OF ACTIONS
Judicial Council Meeting
February 27, 1998, San Francisco

The Judicial Council took the following actions at its February 27 meeting:

Trial Court Budget Commission (Cal. Rules of Court, rules 1020 and 1026)

Amended rules 1020 and 1026 to:

- Reduce the number of members of the Trial Court Budget Commission from 32 to 24, including 16 judges and 8 trial court executives. The court executives will be full voting members rather than advisory members.

Commission members will be selected using the same method that is applied to council advisory committees generally: selection by the Chief Justice based on nominations, with recommendations made by the council's Executive and Planning Committee. Members will be required to make decisions in the best interest of the public and the court system as a whole and not represent their individual courts or organizations.

- Reflect that decisions by the commission may be appealed by a county trial court system, with a procedure to be established by the TCBC.
- Change the duties of the commission to better implement state funding of the trial courts by focusing on the incremental budget requests and analyzing them in accordance with judicial branch priorities.
- Require the TCBC to submit an annual report to the council on the fiscal state of the trial courts.

Pay Parity

- Approved a policy to grant pay parity eligibility to municipal court judges, retroactive to January 1, 1998, in those 49 counties that have a Judicial Council-approved coordination plan and have demonstrated that they have implemented a case assignment system that maximizes utilization of judicial officers, as recommended by the Trial Court Coordination Advisory Committee.

Judicial Compensation

- Supported the concept of the need for adjustments in judicial compensation that will lead ultimately to approximate parity with the federal bench, in order to ensure the continued ability to attract and retain highly qualified, diversely

experienced, career-minded judicial officers, based on a recommendation from the Policy Coordination and Liaison Committee. If approved by the Legislature, judicial salaries would be increased by 6 percent, contingent on state workers receiving a 6 percent increase.

Trial Court Coordination

- Approved trial court coordination plans of five counties for fiscal years 1997–1998 and 1998–1999, as recommended by the Trial Court Coordination Advisory Committee. The new approved plans are from El Dorado, Inyo, Kern, Mariposa, and Santa Barbara, bringing the statewide total of approved plans to 56 of the 58 counties.
- Approved the Trial Court Coordination Advisory Committee (TCCAC) recommendation to extend the timeline for provisional approval of Los Angeles and Orange Counties' coordination plans to allow the Judicial Council to take action on the final TCCAC recommendation.
- Approved an assessment of courts' progress implementing trial court coordination according to approved criteria, as recommended by the Trial Court Coordination Advisory Committee.
- Approved a policy to clarify acceptable judicial and administrative governance in counties requesting that the Judicial Council approve an alternative structure, as recommended by the Trial Court Coordination Advisory Committee.
- Presented Santa Clara Superior Court Judge John Flaherty, chair of the Trial Court Coordination Advisory Committee, with a standing ovation for his work on the committee. Fran Jursco, senior court services analyst in the Trial Court Services Division of the Administrative Office of the Courts, was also applauded for her work as the staff liaison to the committee.

Judicial Branch Budget Criteria and Program Priorities

- Approved three criteria to guide the development of trial court baseline budgets for fiscal years 1998–99 and 1999–2000.
- Approved five criteria for budget submissions for the Judicial Council and the Administrative Office of the Courts, trial courts, and appellate courts.

- Adopted jury system improvements, court technology, and appellate court education and public outreach as program priorities for the fiscal year 1999–2000 trial court budget development process.
- Adopted changes to the language of the Judicial Council’s Long-Range Strategic Plan to enable the Administrative Director of the Courts to pursue activities discussed during the February 1998 planning meeting, as well as other activities in support of the council’s strategic plan and policy directives.

Court Interpreters

The following recommendations were made by the Executive and Planning Committee, and will be carried out by the Court Interpreters Advisory Panel:

- Approved increased funding during fiscal year 1998–1999 for court interpreters. If funding is appropriated by the Legislature, the per diem increase would be adjusted effective July 1, 1998, to a minimum level of service of \$90/\$180 for a half-day/full-day of work, plus an adjustment of the rate by 5 percent. Per diem rates currently above the \$90/\$180 level would be increased by 3 percent.
- Expanded the membership of the Court Interpreters Advisory Panel to temporarily add three new positions for additional judges and/or court executives, using the council committee nomination process as set forth in rule 1020 of the California Rules of Court. Four of the six slots would be phased out over a two-year period.
- Authorized the AOC to conduct or contract a study on court interpreter compensation, working conditions, recruitment, testing and certification, retention of qualified interpreters, and the qualifications and duties of interpreter coordinators.

New Rule on Qualifications of Counsel in Death Penalty Appeals and Habeas Corpus (Cal. Rules of Court, rule 76.6)

- Approved California Rules of Court, rule 76.6, on the qualifications of counsel for capital appeals and habeas corpus. Both the Judicial Council and the Supreme Court are required to adopt such a rule by legislation that became effective January 1, 1998. (Sen. Bill 513 [Lockyer] Gov. Code, § 68655.) Rule 76.6 was adopted by the Supreme Court on February 3, 1998.

Telephone Appearances Rule (Cal. Rules of Court, rules 298 and 827)

- Adopted a Civil and Small Claims Advisory Committee recommendation to (1) amend rule 298 to give counsel the option of appearing by telephone in conferences and nonevidentiary law and motion and probate hearings in civil cases and probate proceedings in superior court and (2) insert a comment to rule 827 clarifying that rule 298 is the only rule that applies to telephone appearances by counsel in superior court cases.

Judicial Council–Sponsored Legislation

- Approved a staff recommendation to cosponsor a legislative concurrent resolution to declare the second full week in May of each year as “Juror Appreciation Week.”
- Approved a Policy Coordination and Liaison Committee recommendation to sponsor legislation to give the Judicial Council authority to adopt rules and forms for trials by written declaration for traffic infractions.